THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.1321 of 2006

-

Dated:27.01.2006

Between:

Smt. Appikonda Ramadevi W/o. Sanyasi Rao,
R/o. G.T. Peta, Mentada Mandalam, Vizianagaram District, and others.

..... PETITIONERS

AND

M/s. NCS Sugars Limited, Rep. by its General Manager, Latchayyapeta,

and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.1321 of 2006

ORDER:

The three petitioners are residents of Gorlakandarajipeta Village of Mentada Mandal in Vizianagaram District. They are allegedly owners of agricultural lands where they grow sugarcane for manufacturing Jaggery. They also allege that their lands are situated at a distance of about 97 Kms from the first respondent sugarcane factory, and therefore, their lands do not fall within the factory zone. Be that as it is, they applied to the third respondent for Jaggery manufacturing licence under the Andhra Pradesh Jaggery Manufacturers Licensing Order, 1975 (for short 'the Control Order'). The Assistant Cane Commissioner issued a show cause notice on 28.12.2005 requiring the petitioners to show cause as to why their applications should not be refused, as any licence for manufacture of Jaggery in the factory zone would be contrary to the Control Order. The show cause notice is assailed in the writ petition.

The learned Counsel for the petitioners submits that the petitioners being owners of small extents of land, even if the licence is issued under the Control Order, the same would not in any manner contravene the Control Order. This allegation is strongly

refuted by the learned Counsel for respondent No.1.

Whether manufacturing of Jaggery by the petitioners would contravene the Control Order or whether the third respondent can refuse the permission/licence, cannot be gone into at this stage, especially, when the third respondent issued the show cause notice as required under Clause 6 of the Control Order. Be it noted, whenever an application is made for licence under Clause 3, if the same is to be rejected, it is incumbent on the part of the Assistant Cane Commissioner – licensing authority; to give a notice and then pass orders giving reasons for such refusal. When the competent authority issued notice in compliance with the statutory requirement, the same cannot be held to be illegal. This Court, however, hastens to add that it would be open to the petitioner to approach the third respondent and file his explanation, where after, the third respondent shall consider the same and pass orders by giving reasons. In this writ petition no relief can be granted.

The Writ Petition, with the above observations, is disposed of. No costs.

_____

(V.V.S.RAO, J)

27.01.2006

vs